

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KAMAL KARNA ROY,
Plaintiff,

No. 8:09-CV-688
(GTS/DRH)

v.
2 DEMOCRATIC SENATOR OF NYS
ALBANY, NY, et al.,
Defendants.

APPEARANCES:

KAMAL KARNA ROY
Plaintiff Pro Se
Post Office Box 1173
14 Kiwassa Road
Apt. 5G
Saranac Lake, New York 12983

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

REPORT-RECOMMENDATION and ORDER

Plaintiff pro se Kamal Karna Roy ("Roy") commenced this action on June 11, 2009 under 42 U.S.C. § 1981 alleging violations of his civil rights. Docket No. 1. The complaint was incomprehensible. Id. In an order filed June 24, 2009, this Court directed Roy to file an amended complaint that fully complies with Fed. R. Civ. P. 8 and 10. Docket No. 3. On July 13, 2009, Roy filed an amended complaint that remained similarly incomprehensible. Docket No. 4. Accordingly, since this action cannot proceed in the absence of Roy's submission of a sufficient complaint, it is hereby

RECOMMENDED that Roy's complaint be **DISMISSED** in its entirety without prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for Roy's failure to comply with the Court's June 24, 2009 order; and it is hereby


ORDERED that the Clerk serve Roy with a copy of this order by regular mail.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court.

FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE

APPELLATE REVIEW. Roldan v. Racette, 984 F.2d 85 (2d Cir. 1993) (citing Small v. Secretary of HHS, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: August 5, 2009
Albany, New York


United States Magistrate Judge